

Judge: Timothy W. Dore
Chapter: 13
Hearing Date: August 19, 2020
Hearing Time: 9:30 a.m.
Hearing Location: Telephonic
Response Date: August 12, 2020

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF WASHINGTON AT SEATTLE

In re:
NAZARIO HERNANDEZ,

Debtor.

IN CHAPTER 13 PROCEEDING
No. 18-13392-TWD

OBJECTION TO MOTION FOR MODIFICATION OF CONFIRMED PLAN

Jason Wilson-Aguilar, Chapter 13 Trustee, objects to the debtor's Motion for Modification of Confirmed Plan (ECF No. 75):

The debtor's proposed modified plan (ECF No. 74) appears to have two substantive differences with the debtor's prior modified plan (ECF No. 64): inclusion of an eighty-four month term and the \$2,530.00 monthly plan payment to begin August 2019 rather than November 2019. The Trustee is unclear why the debtor made the latter change, but it is likely immaterial. The Trustee objects for two reasons:

1) The debtor did not file amended Schedules I and J in support of the modified plan.

Local Bankr. R. 3015-1(i).

2) The debtor did not provide the Trustee with documentation of the debtor's current income. Local Bankr. R. 3015-1(i). The Trustee understands that the debtor's business has been impacted by COVID-19, but the debtor could at least provide some type of business projection to the Trustee demonstrating that the debtor can fund the plan he proposes even if he cannot provide actual profit and loss statements.

A post-confirmation modified plan must be proposed in good faith. 11 U.S.C. §§ 1329(b)(1); 1325(a)(3). The debtor has the burden to establish that the modified plan is proposed

1 in good faith. *Mattson v. Howe (In re Mattson)*, 468 B.R. 361, 372 (B.A.P. 9th Cir. 2012). The
2 debtor has not met his burden.

3 WHEREFORE, the Chapter 13 Trustee requests that the Court deny the debtor's motion
4 to amend debtor's Chapter 13 plan.

5 Dated this 10th day of August 2020
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7 /s/ Jason Wilson-Aguilar, WSBA #33582
8 JASON WILSON-AGUILAR
9 Chapter 13 Trustee
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Chapter 13 Trustee
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